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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,362	02/12/2002	Brian N. Tufte	1076.1101106	9078

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MINNEAPOLIS, MN 55403-2420

EXAMINER

NEGRON, ISMAEL

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

10/074,362

Applicant(s)

TUFTE, BRIAN N.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Title*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Elongated Carrier for Bumper Member.**

### *Abstract*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it include phrases which can be implied. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claim 3 is objected to because of the following informalities: there is insufficient antecedent basis for the limitation "wall" in line 1. It is not clear if the claim is referring back to the previously recited plural "walls", or if the "wall" is a newly recited element. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 6, 11-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman (U.S. Pat. 3,359,030).

Newman discloses a bumper assembly having:

- **an elongated bumper member**, Figure 4, reference number 16;
- **an elongated carrier for receiving the bumper member**, Figure 4, reference number 14;
- **the elongated carrier including a slot defined by one or more walls having inner surfaces**, Figure 4, reference number 24;
- **at least two of the inner surfaces having inwardly extending nubs**, Figure 4, reference numbers 34 and 36;
- **the nubs providing an increased thickness**, Figure 4;

- **the bumper member being received by the slot, as seen in Figure 4;**
- **the bumper member having an shaped adapted to accept the nubs, as seen in Figure 4; and**
- **the bumper member and/or the carrier being at least partially deformed for the bumper member to slip into the slot.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Newman (U.S. Pat. 3,359,030).

Newman discloses a bumper assembly having:

- **an elongated bumper member, Figure 4, reference number 16;**
- **an elongated carrier for receiving the bumper member, Figure 4, reference number 14;**
- **the elongated carrier including a slot defined by one or more walls having inner surfaces, Figure 4, reference number 24;**

- **at least two of the inner surfaces having inwardly extending nubs**, Figure 4, reference numbers 34 and 36;
- **the nubs providing an increased thickness**, Figure 4;
- **the bumper member being received by the slot**, as seen in Figure 4;
- **the bumper member having an shaped adapted to accept the nubs**, as seen in Figure 4;

Newman discloses all the limitations of the claims, except the nubs providing a decreased thickness.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to provide the bumper member of Newman with protrusion to match concave nubs on the carrier, since it has been held that rearranging parts of a prior art structure involves only routing skill in the art. *In re Japikse*, 86 USPQ 70.

6. Claims 7 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Newman (U.S. Pat. 3,359,030) in view of Millar (U.S. Pat. 1,729,274) and Dealey et al. (U.S. Pat. 5,678,914).

Newman discloses a bumper assembly having:

- **an elongated bumper member**, Figure 4, reference number 16;
- **an elongated carrier for receiving the bumper member**, Figure 4, reference number 14;
- **the elongated carrier including a slot defined by one or more walls having inner surfaces**, Figure 4, reference number 24; and

- **at least two of the inner surfaces having inwardly extending nubs**, Figure 4, reference numbers 34 and 36.

Newman discloses all the limitations of the claims, except the elongated bumper member including a cavity for receiving a linear light emitting fiber for providing illumination through a at least semi-transparent portion of such bumper member.

Millar discloses a bumper with a light reflecting material (Figure 3, reference character E'), such as glass (column 1, lines 64-69), for providing vehicle clearance illumination at night (column 1, lines 1-17).

Dealey et al. discloses an elongated illumination member having an elongated bracket (Figure 3, reference character 96) and a linear emitting fiber (Figure 3, reference character 34A) for providing illumination.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combine the teachings of Millar and Dealey et al with the bumper device of Newman to obtain a bumper capable of providing vehicle clearance illumination without the need for external light sources.

7. Claims 8 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Newman (U.S. Pat. 3,359,030) in view of Millar (U.S. Pat. 1,729,274) and Dealey et al. (U.S. Pat. 5,678,914).

The combined teachings of Newman, Millar and Dealey et al. disclose, or suggest, all the limitations of the claims, except the elongated light source being an electroluminescent wire (ELEW) or a string of lights.

The examiner takes Official Notice that the use of ELEW is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an ELEW for the light source in the system of Dealey et al.. One would have been motivated since ELEW are recognized in the illumination art to have many desirable advantages, including high efficiency, low power consumption, long life, resistance to vibrations, and low heat production, over other light sources.

***Relevant Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Zimmers** (U.S. Pat. 1,972,283), **Erkert** (U.S. Pat. 2,959,146) and **Beckett** (U.S. Pat. 6,364,293) disclose various bumper devices having elongated carriers for receiving elongated bumper member.



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**Conclusion**

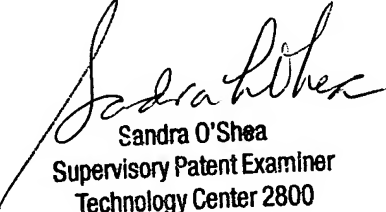
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (703) 308-6086. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (703) 305-4939. The facsimile machine number for the Art Group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Inr

March 23, 2003

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800